

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

J U D G M E N T

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.406/2007.

In

S.B. CIVIL WRIT PETITION NO.326/2007.

Mannu Lal Parmar

Vs.

State of Rajasthan and ors.

Date of Order:-

September 6, 2007.

PRESENT

HON'BLE THE ACTING CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Sandeep Pathak for the appellant.

Mr. Harshvardhan Nandwana, Additional Government
Advocate for the State.

Mr. S.N. Kumawat for respondent No.4.

BY THE COURT:-

The instant appeal is directed against the order dated January 19, 2007 rendered by the learned Single Judge of this Court in S.B. Civil Writ Petition No.326/2007 by which the prayers made by the appellant namely; (i) that the respondents No.1, 2, 3 and 5 be directed to make and conduct necessary inquiry and take necessary actions against the respondent No.4 in the matter

of delayed promotions which were given to the petitioner and the petitioner should be compensated for the same, (ii) that the respondent No.4 be transferred and no field posting be given to such errant officers, (iii) that an independent probe be made exposing the connivance of the officers who are involved in the land scam and an independent inquiry officer should be appointed in the matter of the complaint which was made by the appellant and (iv) that respondent No.1 be directed to recover the loss which has occasioned to the exchequer personally from the errant officers, are refused.

2) The appellant was serving in the Town Planning Office, Jaipur. It is his case that he was harassed at the fag end of his career by the respondent No.4 and was not given promotions on due dates. According to him, he had addressed several letters to the various authorities pointing out illegal activities of the respondent No.4 but no action was taken against the respondent No.4. What is claimed by the appellant is that the respondent No.4 and other officers were involved in the land scam resulting into loss

of revenue to the exchequer and, therefore, recovery be effected from them. According to the appellant, the complaint addressed to the Chief Minister of the State was responded but inquiry is handed over to another Town Planner who would not be able to conduct the inquiry impartially. Under the circumstances, the petitioner invoked extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by filing S.B. Civil Writ Petition No.326/2007 and claimed reliefs which are referred to earlier. The learned Single Judge has dismissed the petition vide order dated January 19, 2007 giving rise to the instant appeal.

3) This Court has heard Mr.Sandeep Pathak, learned counsel for the appellant as well as Mr.Harshvardhan Nandwana, learned Additional Government Advocate for the State and Mr.S.N. Kumawat, learned counsel for the respondent No.4. This Court has also considered the documents forming part of the petition.

4) From the record of the case, it is evident that the petition is filed because according to the appellant he was not granted

promotions on due dates. Even if it is assumed for the sake of argument that petitioner was not granted promotion on due date, he had not raised any grievance about the same nor claimed promotion with retrospective effect by initiating appropriate proceedings. Further, the complaints made against the respondent No.4 are totally vague and not specific at all.

5) Under the circumstances, this Court is of the opinion that the learned Single Judge was justified in dismissing the petition summarily.

6) The grievance made by the learned counsel for the appellant that inquiry is being conducted against the respondent No.4 by an officer of equal rank of the respondent No.4 and, therefore, appropriate directions should be given, has no substance. This Court cannot proceed on assumption that the respondents will commit breach of any relevant rule.

7) On re-consideration of the matter, this Court finds that there is no substance in the appeal and, therefore, the same deserves to be dismissed.

For the foregoing reasons, the appeal

fails and is dismissed however without any order
as to costs.

(MOHAMMAD RAFIQ), J. (J.M. PANCHAL), Actg.CJ.

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